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**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 16-2000-113334

ROBERT DANIEL SCHULTE, M.D.  
16242 N. 110<sup>th</sup> Street  
Scottsdale, AZ 85259

Physician and Surgeon's Certificate No. G 68403

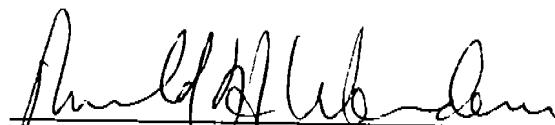
Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Division of Medical Quality, Medical Board of California of the Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 5, 2003.

It is so ORDERED May 6, 2003.

  
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FOR THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
Ronald H. Wender, M.D.  
Chair, Panel B

1 BILL LOCKYER, Attorney General  
2 of the State of California  
3 GAIL M. HEPPELL, State Bar No. 84134  
4 Supervising Deputy Attorney General  
5 California Department of Justice  
6 1300 I Street, Suite 125  
7 P.O. Box 944255  
8 Sacramento, California 94244-2550  
9 Telephone: (916) 324-5336  
10 Facsimile: (916) 327-2247

11 Attorneys for Complainant

12 **BEFORE THE**  
13 **DIVISION OF MEDICAL QUALITY**  
14 **MEDICAL BOARD OF CALIFORNIA**  
15 **DEPARTMENT OF CONSUMER AFFAIRS**  
16 **STATE OF CALIFORNIA**

17 In the Matter of the Accusation Against:

Case No. 16-2000-113334

18 ROBERT DANIEL SCHULTE, M.D.  
19 16242 N. 110<sup>th</sup> Street  
20 Scottsdale, AZ 85259

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

21 Physician and Surgeon's  
22 Certificate No. G 68403

23 Respondent.

24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
25 above-entitled proceedings that the following matters are true:

**PARTIES**

26 1. Ron Joseph (Complainant) is the Executive Director of the Medical Board  
27 of California. He brought this action solely in his official capacity and is represented in this  
28 matter by Bill Lockyer, Attorney General of the State of California, by Gail M. Heppell,  
Supervising Deputy Attorney General.

2. Respondent Robert Daniel Schulte, M.D. (Respondent) is represented in  
this proceeding by attorney Joel Bruce Douglas, Esq., Bonne, Bridges, Mueller, O'Keefe &  
Nichols, whose address is 3699 Wilshire Blvd, 10<sup>th</sup> Floor, Los Angeles, CA 90010.

3. On or about April 16, 1990, the Medical Board of California issued

1 Physician and Surgeon's Certificate No. G 68403 to Robert Schulte, M.D. (Respondent). The  
2 Certificate is current and will expire on June 30, 2004 unless renewed.

3 JURISDICTION

4 4. Accusation No. 16-2000-113334 was filed before the Division of Medical  
5 Quality, Medical Board of California of the Department of Consumer Affairs, (Division), and is  
6 currently pending against Respondent. The Accusation, together with all other statutorily  
7 required documents were properly served on Respondent on May 15, 2001, and Respondent  
8 timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No.  
9 16-2000-113334 is attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and  
12 understands the charges and allegations in Accusation No. 16-2000-113334. Respondent has  
13 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
14 Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
18 the right to present evidence and to testify on his own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent admits that he entered into a consent degree with the Arizona  
26 Board of Medical Examiners on 7/27/00, a true and correct copy of which is attached hereto as  
27 Exhibit A to Exhibit A, and that as a result of such consent degree the Arizona Board placed  
28 respondent's license on five years probation and issued a reprimand to respondent, and that

1 respondent's license is therefore subject to disciplinary action pursuant to Business and  
2 Professions Code sections 2305 and 141.

3 9. Respondent agrees that his Physician and Surgeon's Certificate is subject  
4 to discipline and he agrees to be bound by the Division's imposition of discipline as set forth in  
5 the Disciplinary Order below.

6 RESERVATION

7 10. The admissions made by Respondent herein are only for the purposes of  
8 this proceeding, or any other proceedings in which the Division of Medical Quality, Medical  
9 Board of California or other professional licensing agency is involved, and shall not be  
10 admissible in any other criminal or civil proceeding.

11 CONTINGENCY

12 11. This stipulation shall be subject to approval by the Division. Respondent  
13 understands and agrees that the Medical Board of California's staff and counsel for Complainant  
14 may communicate directly with the Division regarding this stipulation and settlement, without  
15 notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent  
16 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
17 prior to the time the Division considers and acts upon it. If the Division fails to adopt this  
18 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
19 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
20 the parties, and the Division shall not be disqualified from further action by having considered  
21 this matter.

22 12. The parties understand and agree that facsimile copies of this Stipulated  
23 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
24 force and effect as the originals.

25 13. In consideration of the foregoing admissions and stipulations, the parties  
26 agree that the Division may, without further notice or formal proceeding, issue and enter the  
27 following Disciplinary Order:

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1 Professions Code, or any drugs requiring a prescription. This prohibition does not apply to  
2 medications lawfully prescribed to respondent for a *bona fide* illness or condition by another  
3 practitioner.

4 3. ALCOHOL ABSTAIN FROM USE Respondent shall abstain completely  
5 from the use of alcoholic beverages.

6 4. BIOLOGICAL FLUID TESTING Respondent shall immediately submit  
7 to biological fluid testing, at respondent's cost, upon the request of the Division or its designee.  
8 Failure to comply with a request for testing is a violation of probation.

9 5. CONTROLLED DRUGS-MAINTAIN RECORD Respondent shall  
10 maintain a record of all controlled substances prescribed, dispensed or administered by  
11 respondent during probation, showing all of the following: 1) the name and address of patient,  
12 2) the date, 3) the character and quantity of controlled substances involved, and 4) the indications  
13 and diagnosis for which the controlled substances were furnished.

14 Respondent shall keep those records in a separate file or ledger, in chronological  
15 order, and shall make them available for inspection and copying by the Division or its designee,  
16 upon request.

17 6. OBEY ALL LAWS Respondent shall obey all federal, state and local  
18 laws, all rules governing the practice of medicine in California, and remain in full compliance  
19 with any court ordered criminal probation, payments and other orders.

20 7. QUARTERLY REPORTS Respondent shall submit quarterly  
21 declarations under penalty of perjury on forms provided by the Division, stating whether there  
22 has been compliance with all the conditions of probation.

23 8. PROBATION SURVEILLANCE PROGRAM COMPLIANCE  
24 Respondent shall comply with the Division's probation surveillance program. Respondent shall,  
25 at all times, keep the Division informed of his business and residence addresses which shall both  
26 serve as addresses of record. Changes of such addresses shall be immediately communicated in  
27 writing to the Division. Under no circumstances shall a post office box serve as an address of  
28 record, except as allowed by Business and Professions Code section 2021(b).

1 Respondent shall, at all times, maintain a current and renewed physician's and  
2 surgeon's license.

3 Respondent shall also immediately inform the Division, in writing, of any travel  
4 to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more  
5 than thirty (30) days.

6 9. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS  
7 DESIGNATED PHYSICIAN(S) Respondent shall appear in person for interviews with the  
8 Division, its designee or its designated physician(s) upon request at various intervals and with  
9 reasonable notice.

10 10. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-  
11 STATE NON-PRACTICE In the event respondent should leave California to reside or to  
12 practice outside the State or for any reason should respondent stop practicing medicine in  
13 California, respondent shall notify the Division or its designee in writing within ten (10) days of  
14 the dates of departure and return or the dates of non-practice within California. Non-practice is  
15 defined as any period of time exceeding thirty (30) days in which respondent is not engaging in  
16 any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time  
17 spent in an intensive training program approved by the Division or its designee shall be  
18 considered as time spent in the practice of medicine. A Board-ordered suspension of practice  
19 shall not be considered as a period of non-practice. Periods of temporary or permanent residence  
20 or practice outside California or of non-practice within California, as defined in this condition,  
21 will not apply to the reduction of the probationary order.

22 Any respondent disciplined under Business and Professions Code sections 141(a)  
23 or 2305 (sister-state discipline) may petition for modification or termination of penalty 1) if the  
24 other state's discipline terms are modified, terminated or reduced; and 2) if at least one year has  
25 elapsed from the effective date of the California discipline.

26 11. COMPLETION OF PROBATION Upon successful completion of  
27 probation, respondent's certificate shall be fully restored.

28 12. VIOLATION OF PROBATION If respondent violates probation in any

1 respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke  
2 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
3 revoke probation is filed against respondent during probation, the Division shall have continuing  
4 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
5 is final.

6 13. COST RECOVERY The respondent is hereby ordered to reimburse the  
7 Division the amount of \$500 within ninety (90) days of the effective date of this decision for its  
8 investigative and prosecution costs. Failure to reimburse the Division's cost of investigation and  
9 prosecution shall constitute a violation of the probation order, unless the Division agrees in  
10 writing to payment by an installment plan because of financial hardship. The filing of  
11 bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse  
12 the Division for its investigative and prosecution costs.

13 14. PROBATION COSTS Respondent shall pay the costs associated with  
14 probation monitoring each and every year of probation, as designated by the Division, which are  
15 currently set at \$2,488 but may be adjusted on an annual basis. Such costs shall be payable to the  
16 Division of Medical Quality and delivered to the designated probation surveillance monitor no  
17 later than January 31 of each calendar year. Failure to pay costs within 30 days of the due date  
18 shall constitute a violation of probation.

19 15. LICENSE SURRENDER Following the effective date of this decision, if  
20 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
21 the terms and conditions of probation, respondent may voluntarily tender his certificate to the  
22 Board. The Division reserves the right to evaluate the respondent's request and to exercise its  
23 discretion whether to grant the request, or to take any other action deemed appropriate and  
24 reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent  
25 will not longer be subject to the terms and conditions of probation.

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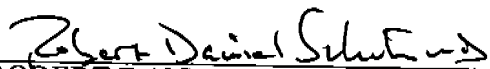
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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
3 have fully discussed it with my attorney, Joel Bruce Douglas. I understand the stipulation and  
4 the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated  
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
6 bound by the Decision and Order of the Division of Medical Quality, Medical Board of  
7 California.

8 DATED: 3/28/03

9  
10   
11 ROBERT DANIEL SCHULTZ M.D.  
12 Respondent

13 I have read and fully discussed with Respondent Robert Daniel Schultz M.D. the  
14 terms and conditions and other matters contained in the above Stipulated Settlement and  
15 Disciplinary Order. I approve its form.

16 DATED: 3/31/03

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19 JOEL BRUCE DOUGLAS  
20 Attorney for Respondent

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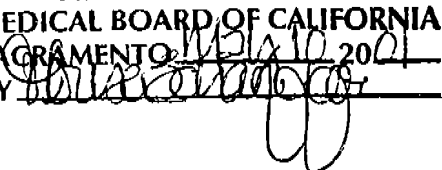
DATED: 4/8/03

*Mara Faust*  
GAIL M. HEPPELL  
Supervising Deputy Attorney General  
Attorneys for Complainant

**EXHIBIT A**

BILL LOCKYER, Attorney General  
of the State of California  
GAIL M. HEPPELL  
Supervising Deputy Attorney General  
1300 I Street, Suite 125  
P. O. Box 944255  
Sacramento, California 94244-2550  
Telephone: (916) 324-5336

Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO  
BY 

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
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In the Matter of the Accusation Against:

Case No. 16-2000-113334

**ROBERT DANIEL SCHULTE, M.D.**

16242 N. 110<sup>th</sup> Street  
Scottsdale, AZ 85259

Physician and Surgeon's  
Certificate No. G 68403

Respondent.

ACCUSATION

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about April 16, 1990, Physician and Surgeon's Certificate No. G 68403 was issued by the Board to Robert Daniel Schulte, M.D. (hereinafter "respondent"). Said certificate is renewed and current with an expiration date of June 30, 2001.

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1 taken against the licensee by another state, an agency of the federal government, or  
2 another country shall be conclusive evidence of the events related therein.

3 F. Section 14124.12(a) of the Welfare & Institutions Code provides in  
4 pertinent part that upon written notice of the Medical Board of California a physician and  
5 surgeon's medical license has been placed on probation as a result of a disciplinary action,  
6 no Medi-Cal claim for the type of surgical service or invasive procedure giving rise to the  
7 probationary order and performed on or after the effective date of said probationary order  
8 or during the period of probation shall be reimbursed, except upon a prior determination  
9 that compelling circumstances warrant the continuance of reimbursement during the  
10 probationary period for procedures other than those giving rise to the probationary order.

11 4. Respondent is subject to discipline within the meaning of section 141 and  
12 unprofessional conduct within the meaning of codes sections 2305 and 2234(e) as more  
13 particularly set forth hereinbelow.

14 **FIRST CAUSE FOR DISCIPLINE**

15 (Discipline, Restriction, or Limitation Imposed By Another State)

16 5. Respondent is subject to disciplinary action under Code section 141 and  
17 under Code sections 2305 in conjunction with 2234(e) in that on or about September 1, 2000, the  
18 Arizona State Board of Medical Examiners issued a Consent Agreement for Letter of Reprimand  
19 and Probation. The Arizona Board found that during an interview with Board staff, respondent  
20 admitted to the use of Marijuana in Massachusetts in or about 1990; that the Massachusetts Board  
21 required respondent to undergo substance abuse treatment; and that respondent answered "no" to  
22 questions on his application for licensure in Arizona relating to arrest, discipline and substance  
23 abuse treatment; and that in December, 1999, the Board received information that respondent was  
24 receiving large amounts of controlled substance medications (Ativan and Dexedrine) by  
25 prescription. Under the terms of probation, respondent was to participate in a monitored aftercare  
26 program, which included random fluid testing, no controlled substances or prescription drugs  
27 unless authorized by respondent's approved treating physician, attendance at weekly group

1 therapy session, and submission to mental, physical, and medical competency examinations as  
2 directed.


3 Attached as Exhibit A and incorporated by reference is a true and correct copy of  
4 the Consent Agreement for Letter of Reprimand and Probations, Investigation No. MD-00-0096.  
5

6 **PRAYER**

7 **WHEREFORE**, the complainant requests that a hearing be held on the matters  
8 herein alleged, and that following the hearing, the Division issue a decision:

- 9 1. Revoking or suspending Physician and Surgeon's Certificate Number G  
10 68403, heretofore issued to respondent Robert Daniel Schulte, M.D.;
- 11 2. Revoking, suspending or denying approval of the respondent's authority to  
12 supervise physician assistants, pursuant to Code section 3527;
- 13 3. Ordering respondent to pay the Division the actual and reasonable costs of  
14 the investigation and enforcement of this case and to pay the costs of probation monitoring upon  
15 order of the Division; and
- 16 4. Taking such other and further action as the Division deems necessary and  
17 proper.

18 DATED: May 10, 2001

19  
20  
21   
22 **RONALD JOSEPH**  
23 Executive Director  
24 Medical Board of California  
25 Department of Consumer Affairs  
26 State of California

27 Complainant

**EXHIBIT A**



Jane Dee Hull  
Governor

Claudia Foutz  
Executive Director

Tom Adams  
Assistant Director, Regulation

Donna Linkous  
Assistant Director, Licensing/Operations



**Arizona State Board of Medical Examiners**

9545 E. Doubletree Ranch Road - Scottsdale AZ 85258

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Ram R. Krishna  
Chairman

Tim B. Hunter,  
Vice Chairman

Patrick Connell,  
Secretary

September 25, 2000

Medical Board of California  
Arlene Krysinski  
1426 Howe Avenue, Suite 54  
Sacramento, CA 95825-3236

**Re: Robert Daniel Schulte**

Dear Ms. Krysinski:

I, **Rebecca J. Aye**, Public Information Coordinator of the Board of Medical Examiners of the State of Arizona, hereby certify that the annexed documents to wit:

**Consent Agreement, Investigation No. MD-00-0096**

are true copies of the original document as they appear on the records and in the files of this Board in the Matter of **Robert D. Schulte, License No. 23206.**

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Board of Medical Examiners of the State of Arizona to be affixed, the day and year first above written.

A handwritten signature in cursive script that reads "Rebecca J. Aye".

**Rebecca J. Aye**  
Public Information Coordinator

[SEAL]

BEFORE THE BOARD OF MEDICAL EXAMINERS  
IN THE STATE OF ARIZONA

In the Matter of

**ROBERT SCHULTE, M.D.**

Holder of License No. 23206  
For the Practice of Medicine  
In the State of Arizona.


Investigation No. MD-00-0096

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND AND  
PROBATION**

IT IS HEREBY AGREED by and between Robert Schulte, M.D., holder of License No. 23206, and the Arizona Board of Medical Examiners (Board), that the accompanying Findings of Fact, Conclusions of Law and Order be entered in the above-entitled matter and be effective as of the date issued.

Dr. Schulte acknowledges that any violation of this Consent Agreement constitutes unprofessional conduct within A.R.S. § 32-1401(25)(r), and will result in <sup>his</sup> ~~her~~ license being automatically summarily suspended pursuant to A.R.S. § 32-1451(D). Alternatively, Dr. Schulte may request cancellation of <sup>his</sup> ~~her~~ Board license if he admits to misconduct and so stipulates, pursuant to A.R.S. § 32-1433; however, the Board reserves the authority to take disciplinary action and therefore not grant a requested cancellation of license.

In the event of Dr. Schulte's Board license being revoked or cancelled he agrees that he will not reapply for a license for five (5) years from the date of cancellation. Furthermore, by signing this Consent Agreement, Dr. Schulte waives and relinquishes any right to appeal from or challenge this Order by initiating any type of administrative or judicial review of this Order.

  
ROBERT SCHULTE, M.D.

Dated: 7/27/00

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### FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the state of Arizona.

2. Robert Schulte, M.D. is the holder of License No. 23206 for the practice of allopathic medicine in the state of Arizona.

3. During an interview with Board staff, Dr. Schulte admitted to the use of Marijuana in Massachusetts in or about 1990 with a subsequent arrest by law enforcement authorities.

4. As a result of this arrest, the Massachusetts Medical Board required Dr. Schulte to undergo substance abuse treatment and monitoring by the Board.

5. Dr. Schulte answered "no" to the following questions on his application for licensure in Arizona: "Have you ever been charged with a violation of any statute, rule or regulation of any domestic or foreign governmental agency? Has there been any action initiated against you by or through any medical board or association? Have you ever been treated for the use of or misuse of any chemical substance or substances?"

6. In December, 1999, the Arizona Board of Medical Examiners received information that Dr. Schulte was receiving large amounts of controlled substance medications (Ativan and Dexedrine) by prescription. There was also indication of possible alcohol abuse.

7. Dr. Schulte was evaluated at Talbot and Sierra Tucson, where it was recommended that he continue in a substance abuse rehabilitation program.

8. This matter was presented to the Board for its final review and approved as part of its public meeting agenda on August 23-25, 2000.

### CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Robert Schulte, M.D.

1 2. The facts identified in paragraphs 3 through 7 above constitute unprofessional  
2 conduct as identified in A.R.S. § 32-1401(25)(ii) "Knowingly making a false or misleading  
3 statement to the Board or on a form required by the Board," and A.R.S. § 32-1402(25)(q)  
4 "Any conduct or practice which is or might be harmful or dangerous to the health of the  
5 patient or the public."

6 3. Pursuant to A.R.S. § 32-1403(A)(5), and § 32-1451(F), the Board may enter the  
7 following order.

8 ORDER

9 IT IS HEREBY ORDERED THAT

10 1. Robert Schulte, M.D. be issued a letter of reprimand for the unprofessional conduct  
11 outlined above.

12 2. The medical license held by Robert Schulte, M.D., shall be placed on probation for  
13 five (5) years subject to the following terms:

14 A. In the event that Robert Schulte, M.D., violates any term of his probation, his  
15 license will automatically be summarily suspended. Alternatively, Dr. Schulte may request  
16 Cancellation of his Board license if he admits to misconduct and so stipulates pursuant to  
17 A.R.S. § 32-1433. If his Board license is revoked he shall be prohibited from reapplying  
18 for a license for five (5) years.

19 B. Robert Schulte, M.D. shall submit quarterly declarations under penalty of perjury  
20 on forms provided by the Board, stating whether there has been compliance with all the  
21 conditions of probation. The declarations shall be submitted on or before the 15th of  
22 March, June, September and December of each year.

23 C. Robert Schulte, M.D. shall promptly participate in the Monitored Aftercare  
24 Program ("MAP") for the treatment and rehabilitation of physicians who are impaired by  
25 alcohol or drug abuse. The terms and conditions of MAP are as follows:

## I. DEFINITIONS

**"Medication"** means "prescription-only drug, controlled substance, and over-the counter preparation, other than plain aspirin and plain acetaminophen."

**"Emergency"** means "a serious accident or sudden illness that, if not treated immediately, may result in a long-term medical problem or loss of life."

## II. TERMS

1. **Participation.** Dr. Schulte shall promptly enroll in and participate in the Board's confidential substance abuse treatment and rehabilitation program (the "program") in accordance with this Consent Agreement. Dr. Schulte shall remain in the program for a period of five years from the Consent Agreement's effective date.

2. **Group Therapy.** Dr. Schulte shall attend the program's group therapy sessions one time per week for the duration of this Consent Agreement, unless excused by the group therapist for good cause such as illness or vacation. Dr. Schulte shall instruct the program group therapist to release to the Board, upon its request, all records relating to his treatment, and to submit monthly reports to the Board regarding attendance and progress. The reports shall be submitted on or before the 10th day of each month.

3. **12 Step or Self-Help Group Meetings.** Dr. Schulte shall attend ninety (90) 12-step meetings or other self-help group meetings appropriate for substance abuse and approved by the Board, for a period of ninety (90) days beginning not later than either (a) the first day following his discharge from chemical dependency treatment or (b) the date of this Consent Agreement.

4. Following completion of the ninety (90) meetings in ninety (90) days, Dr. Schulte shall participate in a 12-step recovery program or other self-help program appropriate for substance abuse as recommended by the group therapist and approved by

1 the Board. Dr. Schulte shall attend a minimum of three (3) 12-step or other self-help  
2 program meetings per week.

3 5. Board-Approved Primary Care Physician. Dr. Schulte shall promptly  
4 obtain a primary care physician and shall submit the name of the physician to Board staff  
5 in writing for approval.

6 6. The Board-approved primary care physician shall be in charge of providing  
7 and coordinating Dr. Schulte's medical care and treatment. Except in an *Emergency*, Dr.  
8 Schulte shall obtain her medical care and treatment only from the Board-approved primary  
9 care physician and from health care providers to whom the Board-approved primary care  
10 physician refers Dr. Schulte from time to time. Dr. Schulte shall request that the Board-  
11 approved primary care physician document all referrals in the medical record.

12 7. Dr. Schulte shall promptly inform the Board-approved primary care physician  
13 of her rehabilitation efforts and provide a copy of this Consent Agreement to that  
14 physician. Dr. Schulte shall also inform all other health care providers who provide  
15 medical care or treatment that he is participating in the Board's rehabilitation program.

16 8. Medication. Except in an *Emergency*, Dr. Schulte shall take no *Medication*  
17 unless the *Medication* is prescribed by his Board-approved primary care physician or other  
18 health care provider to whom the Board-approved primary care physician makes referral.  
19 Dr. Schulte shall not self-prescribe any *Medication*.

20 9. If a controlled substance is prescribed, dispensed, or is administered to Dr.  
21 Schulte by any person other than the Board-approved primary care physician, he shall  
22 notify the Board-approved primary care physician in writing within 48 hours. The  
23 notification shall contain all information required for the medication log entry specified in  
24 paragraph 10. Dr. Schulte shall request that the notification be made a part of the medical  
25

1 record. This paragraph does not authorize Dr. Schulte to take any *Medication* other than  
2 in accordance with paragraph 8.

3       10. **Medication Log.** Dr. Schulte shall maintain a current legible log of all  
4 *Medication* taken by or administered to her, and shall make the log available to the Board  
5 and its staff upon request. For *Medication* (other than controlled substances) taken on an  
6 on-going basis, Dr. Schulte may comply with this paragraph by logging the first and last  
7 administration of the *Medication* and all changes in dosage or frequency. The log, at a  
8 minimum, shall include the following:

- 9       a. Name and dosage of *Medication* taken or administered;  
10       b. Date taken or administered;  
11       c. Name of prescribing or administering physician;  
12       d. Reason *Medication* was prescribed or administered.

13 This paragraph does not authorize Dr. Schulte to take any *Medication* other than in  
14 accordance with paragraph 8.

15       11. **No Alcohol or Poppy Seeds.** Dr. Schulte shall not consume alcohol or any  
16 food or other substance containing poppy seeds.

17       12. **Biological Fluid Collection.** During all times that Dr. Schulte is physically  
18 present in the state of Arizona and such other times as board staff may direct, Dr. Schulte  
19 shall promptly comply with requests from Board staff, the group therapist, or the program  
20 director to submit to witnessed biological fluid collection. If Dr. Schulte is directed to  
21 contact an automated telephone message system to determine when to provide a  
22 specimen, he shall do so within the hours specified by Board staff. For the purposes of  
23 this paragraph, in the case of an in-person request, "promptly comply" means  
24 "immediately". In the case of a telephonic request, "promptly comply" means that, except  
25 for good cause shown, Dr. Schulte shall appear and submit to specimen collection not

1 later than two hours after telephonic notice to appear is given. The Board in its sole  
2 discretion shall determine good cause.

3 13. Dr. Schulte shall provide Board staff in writing with one telephone number  
4 which shall be used to contact her on a 24 hours per day/seven days per week basis to  
5 submit to biological fluid collection. For the purposes of this section, telephonic notice  
6 shall be deemed given at the time a message to appear is left at the contact telephone  
7 number provided by Dr. Schulte. Dr. Schulte authorizes any person or organization  
8 conducting tests on the collected samples to provide testing results to the Board and the  
9 program director.

10 14. Dr. Schulte shall cooperate with collection site personnel regarding biological  
11 fluid collection. Repeated complaints from collection site personnel regarding Dr.  
12 Schulte's lack of cooperation regarding collection may be grounds for termination from the  
13 program.

14 15. Payment for Services. Dr. Schulte shall pay for all costs, including  
15 personnel and contractor costs, associated with participating in the Monitored  
16 Aftercare Program (MAP) at time service is rendered, if required, or within 30 days  
17 of each invoice sent to her.

18 16. Examination. Dr. Schulte shall submit to mental, physical, and medical  
19 competency examinations at such times and under such conditions as directed by the  
20 Board to assist the Board in monitoring her ability to safely engage in the practice of  
21 medicine and compliance with the terms of this Consent Agreement.

22 17. Treatment. Dr. Schulte shall submit to all medical, substance abuse, and  
23 mental health care and treatment ordered by the Board, or recommended by the program  
24 director.  
25



1       18.   Obey All Laws. Dr. Schulte shall obey all federal, state and local laws, and  
2 all rules governing the practice of medicine in the state of Arizona.

3       19.   Interviews. Dr. Schulte shall appear in person before the Board and its staff  
4 and committees for interviews upon request, upon reasonable notice.

5       20.   Address and Phone Changes, Notice. Dr. Schulte shall immediately notify  
6 the Board in writing of any change in office or home addresses and telephone numbers.  
7 Dr. Schulte shall provide Board staff at least three business days advance written notice of  
8 any plans to be away from office or home for more than five (5) consecutive days. The  
9 notice shall state the reason for the intended absence from home or office, and shall  
10 provide a telephone number that may be used to contact Dr. Schulte.

11       21.   Relapse, Violation. See paragraph A of this Order.

12       22.   Notice Requirements. Dr. Schulte shall immediately provide a copy of  
13 this Consent Agreement to all hospitals and free standing surgery centers at which Dr.  
14 Schulte has any privileges. Within 30 days of signing this Consent Agreement, Dr. Schulte  
15 shall provide the Board with a signed statement that he has complied with this notification  
16 requirement.

17       Dr. Schulte is further required to notify, in writing, all hospitals and free standing  
18 surgery centers at which he has any privileges of a chemical dependency relapse, use of  
19 drugs or alcohol in violation of this Consent Agreement and/or entry into a treatment  
20 program. Dr. Schulte shall provide the Board, within seven days of any of these events,  
21 written confirmation that he has complied with this notification requirement.

22       23.   Public Record. This Consent Agreement is a public record.

23       24.   Out-of State. In the event Dr. Schulte resides or practices medicine in a  
24 state other than Arizona, he shall participate in the physician rehabilitation program  
25 sponsored by that state's medical licensing authority or medical society. Dr. Schulte shall

1 cause the other state's program to provide written reports to the Board regarding his  
2 attendance, participation, and monitoring. The reports shall be due on or before the 15th  
3 day of March and September of each year, until the Board terminates this requirement in  
4 writing.

5 25. Dr. Schulte shall immediately obtain a treating psychiatrist approved by  
6 Board staff and shall remain in treatment with the psychiatrist until further order of the  
7 Board. Dr. Schulte shall instruct the psychiatrist to release to the Board, upon its request,  
8 all records relating to treatment of Dr. Schulte, and to submit quarterly written reports to  
9 the Board regarding diagnosis, prognosis, and recommendations for continuing care and  
10 treatment of Dr. Schulte. The reports shall be submitted on or before the 15th day of  
11 March, June, September and December of each year.

12 26. This Order supercedes all previous consent agreements, stipulations, and  
13 orders between the Board and Robert Schulte, M.D.

14 DATED this 1 day of September, 2000.

15  
16 BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

17 (SEAL)

18  
19 By: Tom Adams  
20 CLAUDIA FOUTZ  
Executive Director  
21 TOM ADAMS  
Assistant Director, Regulation

22 Original of the foregoing Consent Agreement For  
23 Order of Probation mailed by certified  
mail for signature this 1<sup>st</sup> day of  
24 September to:

25 Robert Schulte, M.D.  
16242 N. 110<sup>th</sup> St.  
Scottsdale AZ 85259

1 Kathleen Mully  
2 Coordinator, Monitored Aftercare Program

3  
4 Copy of the foregoing Consent Agreement For  
5 Order of Probation mailed to:  
6 Duane Olson, Esq.  
7 Olson, Jantsch, Bakker & Blakey  
8 7243 N. 16<sup>th</sup> Street  
9 P.O. Box 47250  
10 Phoenix, Arizona 85068-7250

11 Executed Copy of the foregoing **signed** Agreement For  
12 Order of Probation mailed by certified  
13 mail this 7<sup>th</sup> day of September 2000 to:

14 Robert Schulte, M.D.  
15 Robert Schulte, M.D.  
16 16242 N. 110<sup>th</sup> St.  
17 Scottsdale AZ 85259

18 Kathleen Mully

19 Coordinator, Monitored Aftercare Program

20 Copy of the executed Consent Agreement For  
21 Order of Probation mailed to:  
22 Duane Olson, Esq.  
23 Olson, Jantsch, Bakker & Blakey  
24 7243 N. 16<sup>th</sup> Street  
25 P.O. Box 47250  
Phoenix, Arizona 85068-7250